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Charles Eglinton

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10/08/2008

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EXAMINER

UBER, NATHAN C

ART UNIT

PAPER NUMBER

3622

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the amendment filed on 19 June 2008.
2. Claims 1-20 have been canceled.
3. Claims 21-27 are currently pending and have been examined.

### **Drawings**

4. Figures 1-5 were objected to, the previous objections are hereby withdrawn.

### **Specification**

5. The disclosure was objected to, the previous objections are hereby withdrawn.

### **Oath/Declaration**

6. The oath or declaration remains defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It was not executed (i.e. it wasn't signed by the inventor) in accordance with either 37 CFR 1.66 or 1.68.

### **Claim Objections**

7. Claim 4 was objected to. Claim 4 was cancelled, therefore the objection is moot.

**Claim Rejections - 35 USC § 112**

8. Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-20 were cancelled, therefore the rejections are moot.

**Claim Rejections - 35 USC § 101**

9. Claims 1-20 were rejected under 35 U.S.C. 101. Claims 1-20 were cancelled, therefore the rejections are moot.

**Claim Rejections - 35 USC § 103**

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
12. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
13. Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanborn et al., (U.S. 2002/0022996 A1) in view of Landau et al. (U.S. 2002/0082919 A1).

**Claim 21:**

Sanborn, as shown, discloses the following system limitations:

- *having a user connect to a website* (see at least Figure 6 and ¶0081),
- *having said user select a webpage* (see at least ¶0018, "the user has selected an image")
- *having advertising delivered to said user* (see at least the Abstract, "the producer (a service provider) employing this method then prints and mails the product to the indicated address"),
- *having said advertising being printed through a printing means* (see at least ¶0020, "production on a suitable printing device"),

- *having said advertising being tangible print media* (see at least ¶0033, “a tangible product that is mailed”),

Sanborn discloses the ability to modify the promotion with advertiser images (see at least ¶0051), which reads on the following limitation with respect to modifying the advertisement. Sanborn does not specifically disclose a *Unique Identifier Code* as in the following limitation. However, Landau, as shown discloses a *Unique Identifier Code*:

- *having said advertising dynamically merged with an Unique Identifier Code which combines the Advertiser information and Coded Affiliate information to create uniquely identified advertising media that is delivered to the user electronically* (see at least ¶0050, “unique identifying code representing the referring webmaster”),

It would have been obvious to one having ordinary skill in the art at the time of the invention to add the unique codes of the Landau invention when using the Sanborn invention to modify the advertisements since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claim 22:**

The combination Sanborn/Landau discloses the limitations as shown in the rejection above. Further, Sanborn, as shown, discloses the following system limitation:

- *having said user contact the system through the Internet* (see at least Figure 6 and ¶0081).

**Claims 23:**

The combination Sanborn/Landau discloses the limitations as shown in the rejection above. Further, Sanborn, as shown, discloses the following system limitation:

- *having said user connect to the system through the use of a computer* (see at least ¶0037, “the computer process”).

Sanborn does not explicitly state that a user connects to the system via a computer, however, as shown, the system is a computer system and it relies on at least one computer in order to operate. It is therefore inherent that any user of the system connecting to the system for purposes of using it must connect through a computer.

**Claim 24:**

The combination Sanborn/Landau discloses the limitations as shown in the rejection above. Further, Sanborn, as shown, discloses the following system limitation:

- *said advertisement being uniquely identified* (see at least ¶0016),

Sanborn discloses “[t]he product could take many forms: a tangible product that is mailed: postcard, flyer, letter...” (see at least ¶0033). Sanborn does not specifically disclose:

- *tabbed flyers*.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the invention of Sanborn to create *tabbed flyers* as needed because *tabbed flyers* were well known and in general use at least by the time of this invention.

**Claim 25:**

The combination Sanborn/Landau discloses the limitations as shown in the rejection above. Further, Sanborn, as shown, discloses the following system limitation:

- *said advertisement being uniquely identified* (see at least ¶0016),

Sanborn discloses “[t]he product could take many forms: a tangible product that is mailed: postcard, flyer, letter...” (see at least ¶0033). Sanborn does not specifically disclose:

- *business cards*.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the invention of Sanborn to create *business cards* as needed because customized *business cards* were well known and in general use at least by the time of this invention.

**Claim 26:**

The combination Sanborn/Landau discloses the limitations as shown in the rejection above. Further, Sanborn, as shown, discloses the following system limitation:

- *said advertisement being uniquely identified* (see at least ¶0016),

Sanborn discloses “[t]he product could take many forms: a tangible product that is mailed: postcard, flyer, letter...” (see at least ¶0033). Sanborn does not specifically disclose:

- *posters*.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the invention of Sanborn to create *posters* as needed because customized *posters* were well known and in general use at least by the time of this invention.

**Claim 27:**

The combination Sanborn/Landau discloses the limitations as shown in the rejection above. Further, Sanborn, as shown, discloses the following system limitation:

- *having said advertising being delivered through electronic mail* (see at least ¶0033, “a tangible product that is mailed:...;electronic communications”).

### **Response to Arguments**

14. Applicant's arguments have been considered but are moot in view of the new grounds of rejection. Applicant's arguments with respect to claims 4 and 17 have been considered but are moot because claims 4 and 17 were cancelled.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If

attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Eric Stamber** can be reached at **571.272.6724**.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

17. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**P.O. Box 1450, Alexandria, VA 22313-1450**

or faxed to **571-273-8300**.

18. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 3622  
30 September 2008

/Arthur Duran/  
Primary Examiner, Art Unit 3622